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1	UNITED STATES DISTRICT COURT	USDC SDNY
2	SOUTHERN DISTRICT OF NEW YORK	DOCUMENT
3	ANTONNE M. JONES	ELECTRONICALLY FILED
4		DOC # <u>-----X</u>
5		DATE FILED <u>10/3/07</u>

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF NEW YORK
 3
 4 ANTONNE M. JONES

5 Plaintiff, : 07 Civ. 3648 (HB)(KNF)

6 v. : ORDER TO SHOW
 7 ROC-A-FELLA FILMS, INC., LIONS GATE FILMS, INC.,
 8 DAMON DASH, and SHAWN CARTER : CAUSE TO
 9 : WITHDRAW AS
 10 : COUNSEL

11 Defendants. :
 12 :
 13 : X

14 Upon the accompanying Declaration of Michael L. Novicoff dated September
 15 26, 2007, the Declaration of Marjorie E. Berman dated September 28, 2007, and upon all prior
 16 proceedings had herein, it is hereby:
 17
 18

19 **ORDERED** that, defendants Roc-A-Fella Films, Inc. and Damon Dash show cause
 20 before this Court at Room 6A, United States Courthouse, 500 Pearl Street, New York, New
 21 York 10007 on the 5 day of October 2007 at 10:30a.m. or as soon thereafter as
 22 counsel can be heard, why an Order pursuant to Local Civil Rule 1.4 should not be entered
 23 relieving as counsel the firms of Liner Yankelevitz Sunshine & Regenstreif LLP and Krantz &
 24 Berman LLP; and it is further

25 **ORDERED** that a copy of this Order and of the papers upon which it is based shall be
 26 served by overnight delivery for delivery no later than October 1, 2007, upon (1)
 27 Damon Dash and Roc-A-Fella Films located at 25 West 39th Street, 14th Floor, New York, New
 28 York 10018 and (2) the counsel for all other parties to this matter; and it is further

From: MNOVICOFF [mnovicoff@linerlaw.com]
Sent: Monday, September 17, 2007 5:34 PM
To: MNOVICOFF; rwallack@kasowitz.com
Cc: EKLEIN; Marjorie Berman
Subject: RE: Jones v. Dash, et al.

Hi Robert - I just wanted to confirm that you're still going to be providing me with this change-of-counsel document tomorrow. Thanks, Mike

From: MNOVICOFF
Sent: Tuesday, September 11, 2007 11:20 AM
To: 'rwallack@kasowitz.com'
Cc: 'ddash@mycingular.blackberry.net'; EKLEIN; 'Marjorie Berman'
Subject: Jones v. Dash, et al.

It was good speaking with you just now, Robert, and I am just writing to confirm my understanding that you will, no later than Tuesday 18 September, provide me and Ms. Berman with a fully-executed Consent to Change Counsel removing our respective firms as counsel in this matter and replacing them with The Wallack Firm (which I understand you to be in the process of incorporating).

I do wish you (and Damon) the best and look forward to hearing from you again very soon. I'll be available to you anytime.

Best, Mike

Michael L. Novicoff, Esq.
LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP
1100 Glendon Avenue | 14th Floor
Los Angeles, CA 90024-3503
main: 310.500.3500
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IRS Circular 230 Disclosure: To ensure compliance with Treasury Department Regulations, we advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matter addressed herein.

1 UNITED STATES DISTRICT COURT
 2 SOUTHERN DISTRICT OF NEW YORK
 3
 4 ANTONNE M. JONES

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5 Plaintiff, : 07 Civ. 3648 (HB)(KNF)
 6 v. :
 7 ROC-A-FELLA FILMS, INC., LIONS GATE FILMS, INC., : **ORDER TO SHOW**
 DAMON DASH, and SHAWN CARTER : **CAUSE TO**
 8 Defendants. : **WITHDRAW AS**
 : **COUNSEL**
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 11 26, 2007, the Declaration of Marjorie E. Berman dated September 28, 2007, and upon all prior
 12 proceedings had herein, it is hereby:
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 15 before this Court at Room 6A, United States Courthouse, 500 Pearl Street, New York, New
 16 York 10007 on the 5 day of October 2007 at 10:30a.m. or as soon thereafter as
 17 counsel can be heard, why an Order pursuant to Local Civil Rule 1.4 should not be entered
 18 relieving as counsel the firms of Liner Yankelevitz Sunshine & Regenstreif LLP and Krantz &
 19 Berman LLP; and it is further
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 21 **ORDERED** that a copy of this Order and of the papers upon which it is based shall be
 22 served by overnight delivery for delivery no later than October 1, 2007, upon (1)
 23 Damon Dash and Roc-A-Fella Films located at 25 West 39th Street, 14th Floor, New York, New
 24 York 10018 and (2) the counsel for all other parties to this matter; and it is further
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1 **ORDERED** that any opposition papers be served by overnight delivery or by hand upon
2 Krantz & Berman LLP at 7474 Third Avenue, 32nd Floor, New York, New York 10017 at least
3 two days prior to the return date of this Order to Show Cause.
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7 Dated: New York, New York
8 September 28, 2007
9

10
11 ENTER: Kevin Fox
12 Kevin Fox
13 U.S. Magistrate Judge
14

15 **KRANTZ & BERMAN LLP**
16 747 Third Avenue
17 32nd Floor
18 New York, New York
19

20 By: Marjorie E. Berman
21 Marjorie E. Berman (MB 8993)
22

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

2 ANTONNE M. JONES

: 07 Civ. 3648(HB)(KNF)

:

3 Plaintiff, : DECLARATION OF
4 v. : MICHAEL L. NOVICOFF
5 : IN SUPPORT OF
6 ROC-A-FELLA FILMS, INC., LIONS GATE FILMS, INC., : ORDER TO SHOW
7 DAMON DASH, and SHAWN CARTER : TO WITHDRAW
8 : AS COUNSEL7 Defendants. :
8

:

x

9 **MICHAEL L. NOVICOFF** declares, under penalty of perjury, pursuant to 28 USCA §
10 1746, that the following is true and correct:11 1. I am a partner in the law firm of Liner Yankelevitz Sunshine & Regenstreif LLP,
12 based in Los Angeles, California. I am a member of the State Bar of California, and I, along with
13 my partner Edward A. Klein and our colleague Ryan M. Lapine, have been admitted as counsel *pro*
14 *hac vice* in this action for defendants Damon Dash and Roc-A-Fella Films, Inc. The law firm of
15 Krantz & Berman LLP acts as our clients' local counsel in New York.16 2. On September 4, 2007, I was informed by Mr. Dash that both my firm and Krantz &
17 Berman would be replaced as counsel in this action, and that we would be informed of the identity
18 of new counsel within a few days.19 3. On September 10, 2007, I was informed that a lawyer in New York named Robert
20 M. Wallack would be replacing both my firm and Krantz & Berman as counsel for Mr. Dash and
21 Roc-A-Fella Films in this action. I called Mr. Wallack the next day, and he confirmed this
22 information. Mr. Wallack told me that he was in the process of forming a new law firm, but that
23 formal papers discharging both my firm and Krantz & Berman would be provided to me no later
24 than September 18, 2008. I confirmed this conversation in writing, in an e-mail sent to both Mr.
25 Wallack and Mr. Dash, and a true and correct copy of that writing is annexed as Exhibit A.
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4. Nothing arrived from Mr. Wallack, so on September 17, 2007 I sent him another message by e-mail asking him to confirm that I would be receiving the formal substitution documents the next day. A true and correct copy of that writing is annexed as Exhibit B.

5. Mr. Wallack did not respond to me, so I called him on September 18, 2008, and at that time he did in fact confirm to me that the formal substitution documents would arrive by the end of that week - that is, by Friday September 21, 2007.

6. Once again nothing arrived, so on September 24, 2007 my partner, Edward A. Klein, called Mr. Wallack to confirm that the documents were on the way. Mr. Wallack told Mr. Klein that he did not have time to talk but that he would call back.

7. Because Mr. Wallack did not call back as promised, Mr. Klein wrote to both him and to Mr. Dash to advise them that if no substitution documents were received by Thursday, September 27, both our firm and the Krantz & Berman firm would file a motion the next day seeking leave to withdraw pursuant to Local Civil Rule 1.4. In order to preserve the attorney-client privilege, I have not annexed that document to this Affidavit but will provide it to the Court for *in camera* review if directed to do so.

8. Since that time, neither I nor my law firm have received any further information from either Mr. Dash or Mr. Wallack. Accordingly, I, Edward A. Klein and Ryan M. Lapine, along with our law firm, now move respectfully for an order permitting us to withdraw as counsel in this action.

Dated: September 26, 2007
Los Angeles, California

Michael L. Novicoff
Michael L. Novicoff

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK3
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ANTONNE M. JONES	: X 07 Civ. 3648(HB)(KNF)
Plaintiff,	: DECLARATION OF
v.	: MARJORIE E. BERMAN
ROC-A-FELLA FILMS, INC., LIONS GATE FILMS, INC.,	: IN SUPPORT OF
DAMON DASH, and SHAWN CARTER	: ORDER TO SHOW
	: CAUSE TO WITHDRAW
	: <u>AS COUNSEL</u>
Defendants.	:

MARJORIE E. BERMAN declares, under penalty of perjury, pursuant to 28 USCA § 1746, that the following is true and correct:

1. I am a partner in the law firm of Krantz & Berman LLP. We serve as local counsel in New York for Roc-A-Fella Films, Inc. and Damon Das in the above-referenced action.

2. As set forth in the attached Declaration of Michael L. Novicoff, I am informed by the firm of Liner Yankelevitz Sunshine & Regenstreif that the clients have relieved this firm as counsel. I have had no direct communication with defendants but have been referred by defendants' office to speak with Mr. Wallack who advised me some weeks ago that he would be substituting as counsel.

3. This case is in the initial stages of discovery. No depositions have been conducted. Document requests have been served but the time to respond has not expired. The discovery cut-off date is February 2008.

4. This withdrawal of counsel will not interfere with the orderly progress of this matter within the time frames set by the court.

8. Accordingly, I move respectfully for an order permitting this firm to withdraw as counsel in this action.

1 Dated: September 28, 2007
2 New York, New York
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Marjorie E. Berman

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I do wish you (and Damon) the best and look forward to hearing from you again very soon. I'll be available to you anytime.

Best, Mike

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